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1970s

The Gavel

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Cleveland-Marshall College of Law

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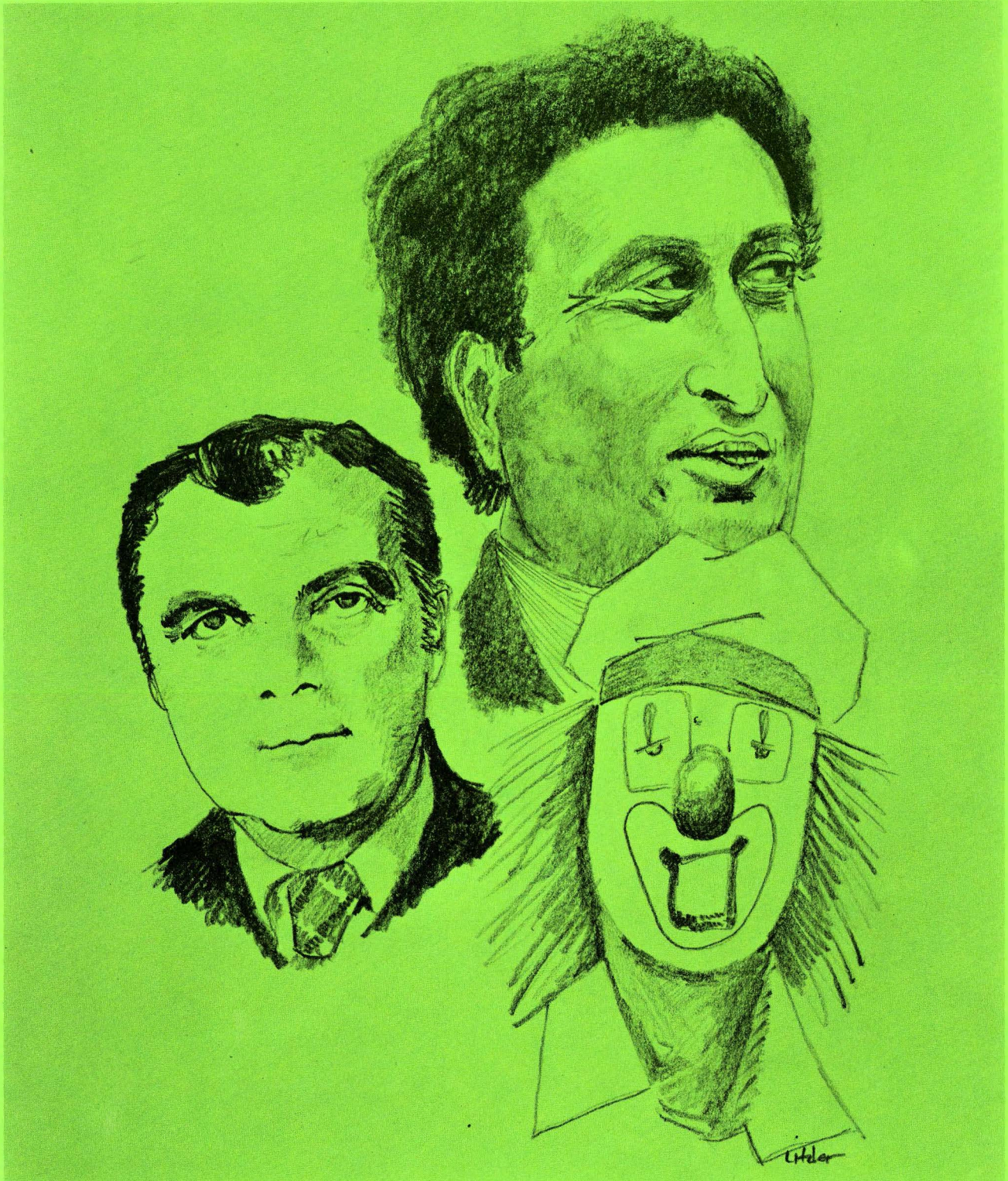
Vol. 28. No. 2

December 1979

# THE GAVEL

Cleveland-Marshall College of Law

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**Law School Productions:  
A Judge, Clown and Newsman**



## COMMENTARY

## Library Books — Forever

By Mike O'Malley

The failure of students to reshelve books in the library has again surfaced as a serious problem (Can anyone remember a time when this wasn't a problem?) Resheling of books has continually been a source of aggravation for law students, faculty, and the library staff for several reasons:

- 1) Many law students are lazy.
- 2) Many law students simply do not give a damn about anyone but themselves.
- 3) The library staff does not have the (wo) manpower to handle the problem which arises as a result of #1 and 2.

It is very easy for a student to say to himself, "why should I reshelve this book? That's the job of the people hired to reshelve books." It is not the job of reshelers to return every book removed from the stacks. The library staff has hired people to reshelve books because they realize that total cooperation will never be attained. Total lack of cooperation, however, as it now exists, is not to be expected nor should it be tolerated.

When the subject of resheling books comes up, many students have reacted with a laugh, snicker, etc. It is ironic to



note, however, that students who have laughed off the problem have also probably bitched about the problem at one time or another.

The last laugh may be on the students. If the situation is not rectified by the students, more people will have to be hired to reshelve books. This will take money. The next logical question is, "where will the money come from?"

In a faculty meeting on Thursday, November 16, Dean Bogomolny cited two alternatives:

1. Library operating costs will be reduced by cutting back the number of hours the library is open. This will provide the needed funds to hire additional people.
2. Student tuition will be increased in order to provide the necessary money.

Law students have created the problem (Many, if not all, of us have been guilty at one time or another). Any blame leveled at the library staff is undeniably misdirected.

Just as the problem rests with law students, so does the solution. Only the students can prevent such drastic measures as reduced library hours or increased tuition.

Take a few minutes to put some books back on the shelves. Next time a book is removed, please put it back where it belongs. As the saying goes, "The money you save may be your own."

Appearing on the front cover, clockwise from left are Frank D. Celebrezze, Carl Stern, and David Carlyon. All are law school graduates, all of whom visited C-M recently and, these people among others, are featured in the following pages.

Cover Illustration by Mark Litzler

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# Carl Stern — FOI Pioneer Attends Dedication Ceremony

By Lawrence G. Sheehy

Carl Stern — NBC Nightly News Supreme Court correspondent and CM graduate ('66) — was the featured speaker on Friday, November 2, when Cleveland-Marshall dedicated its new Freedom of Information Act (FOIA) section in the Bartunek Library.

The initial materials in the FOIA section were purchased with a \$1,000 grant donated by the Ohio Association of Broadcasters (OAB).

Neal Van Ells — Vice-President and General Manager of WKYC TV 3, and the President of the OAB — presented the \$1,000 check to Dean Bogomolny and indicated that this is the first instance in which such a gift has been made to a law school by a broadcasting organization for the purpose of establishing a FOIA collection.

For Stern, the trip to Cleveland was something of a homecoming. The by-invitation-only crowd of about 100 who assembled to hear him deliver his address consisted for the most part of local judges and legislators and news directors of the local electronic media.

Stern was a stranger to none of them; nor they to him.

After having graduated from Columbia University (with a bachelor's degree in public law and government) and its prestigious School of Journalism (MSJ), Stern came to Cleveland in 1959 and joined the news staff of (then) KYW Radio. In 1961, he moved over to KYW TV 3.

Soon afterwards, Stern enrolled in both of Cleveland's law schools. He was given special permission to do so, and he became the first person to attend CM and CWRU concurrently.

Stern attended CWRU during the day and CM at night. As 60% of his class credits were obtained from CM, Stern is considered a CM graduate — though, there's not much doubt that CWRU would like to lay a claim to him also.

In 1966 Stern joined the national staff of NBC News. In 1967 he was assigned to cover

the United States Supreme Court, and he's had the job ever since.

\* \* \*

In his opening remarks, Stern noted that the timing of the opening of a FOIA section in the CM Law Library is appropriate.

"As a newsperson who's trying to report what the government is doing, I find this to be a good time to be using the FOIA," said Stern.

matters, counter-intelligence, organized crime or alleged terrorism. And the government is already using provisions of the *Privacy Act* to greatly limit what the public can see and know.

"Perhaps it is possible to have *too much* of a good thing, and that is where we may be headed now on this matter of privacy. We may be losing information citizens should have in a democracy."



Carl Stern at Foi Dedication

"If the 1960's were a time for opening the government to public view, the 1970's — especially the late 1970's — are a time when the current is running the other way.

"As reasonable and publicspirited a person as FBI public-spirited a person as FBI Director Webster has proposed that the Freedom of Information Act *not apply* to government law enforcement records until at least seven years after a matter is closed or a prosecution is brought," said Stern.

"He would exempt *forever* from public view government records on foreign intelligence

Stern knows of what he speaks. In 1973 he won a landmark FOIA lawsuit in which he sought to require the FBI to disclose the operation of its "Cointelpro" program disrupting New Left political organizations, *Stern v. Richardson*, 367 F. Supp. 1316, (1973).

Using the information he received from his FOIA lawsuit, Stern wrote a story of how the FBI had made a practice of harassing and disrupting political organizations with whose philosophies the FBI disagreed. For this story, Stern was awarded the coveted George Foster

Peabody Award for "exceptional journalistic enterprise."

Before the enactment of the FOIA, requests for information from the government were processed pursuant to the old Administrative Procedures Act (APA). Under the APA, government officials were required to provide only such information as they thought to be "in the public interest."

Said Stern, "There is no doubt in my mind that many public officials would like to push the clock back to the days of the APA."

Speaking as a reporter, Stern continued, "The FOIA brought us many things which were within our interest to know."

Stern cautioned that some government officials and agencies are now ignoring provisions of the FOIA and are gearing up to make it more restrictive.

The government's passion for privacy can be — and has been — carried to far, according to Stern. "Privacy is not the only thing worth protecting; it is possible to overdo it."

To illustrate his point, Stern offered the following experience for his listeners' consideration: "Hawaii passed a law declaring police records confidential, not to be disclosed to anyone outside of law enforcement officials. The net result was that some lawyers couldn't even find out if their client was in jail. Chaos resulted. The law has now been repealed."

Stern disputes the claims of officials that the FOIA hampers law enforcement by discouraging informants.

"Certainly here in Cleveland, revelations that an FBI clerk was giving information to the underworld would have had far more impact on informants working for the FBI than anything that was ever made public under the FOIA."

\* \* \*

His position as U.S. Supreme Court correspondent provides Stern with perhaps an almost unique vantage point in observing and assessing the decisions and conduct of the

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## Just Clowning

By Ken Callahan

From the moment of one's first reading of *Palsgraf*, the recurrent notion of running away to join the Circus becomes an increasingly attractive possibility. Perhaps regrettably, a substantial plurality of law students remain, nonetheless, singularly unstrayed from the pursuit of their chosen profession.

Not so David Carlyon, however. In a November 7th visit to C-M, Carlyon, a graduate of Berkely Law and a member of the California Bar, entertained a group of students in his current capacity as a clown in the employ of Ringling Brothers Circus. Replete with red, bulbous nose, oversized tie and patchwork clothing, Carlyon did not evoke the stereotypical image of an attorney, notwithstanding perhaps the red nose. Carlyon — or "Zachary," as he is more popularly known — amused the gathering with a number of short skits, including a bungled juggling routine, an impossible attempt at flight, and an apparently unprovoked attack on a rubber chicken.

In a discussion before the act, Carlyon talked about why he is clowning and not practicing law. "I like to give people back the smiles they have inside them," he explained. Clowning them," he explained. "I am not a 'bozo' ". Clowning is an art which provides a sense of freedom."

Carlyon pays dearly for that artistic freedom. For the last three years, he has had to live out of the circus train for 11 1/2 months of the year, in addition

to paying his own expenses out of his \$150 a week salary. In the advance work that he now does for the circus, "Zachary" has been to fifty cities since January. Not least, Carlyon has had to endure the "still-clowning-around?" type queries with which would-be Bob Hopes torturingly beset him.

At age 30, Carlyon has had an interesting life prior to his decision to go with Ringling Brothers. He has, for instance, worked for some time with the U.S. Attorney's Office in Philadelphia, as well as having served in the Military Police. In addition, Carlyon has been involved in experimental theatre in San Francisco, and has worked with Gilda Radner in comedy sketches there.

Despite this, Carlyon claims that his favorite audiences consist of children, which may or may not explain his success at C-M.

Although Carlyon cited the cultural images of "Lawyer" and "Clown" as being powerful opposites, he questioned whether the actual disparity was as great as is commonly perceived. "After all," he noted, "the act of persuading an audience to laugh is not entirely different from trying to persuade a judge and jury."

Though he had planned to start practicing law next year, and despite the vicissitudes of circus life, Carlyon said that, recently "it occurred to me that I may not go back to the law."

Not much, there, to encourage the Tort student.

## warm welcome

By Mark A. Collins

Picture this...You've just sat through a heart-stopping hour and a half of Torts w/nothing briefed or you have a paper that's due in three days and you're still not sure where the library is...don't panic and enlist to fight in Iran or volunteer to check for leaks in a nuclear power plant. There's still hope! Just follow the music across the street to the Uptown Lounge.

Commonly referred to as the U.T., the Uptown reminds you of that neighborhood bar back home. You can relax there, rub elbows w/fellow law students or just take in the "sights."

The Uptown crowd is a complete potpourri of people from all walks of life. Somehow this diversity of clientele blends together so well that the Uptown is one of the few downtown bars that your friends won't question your sanity for going into. The only trouble you find in the Uptown is in the newspaper you're reading. The reason for this is the man behind the bar, Al Saluan. Al is the sole owner and proprietor of the Uptown Lounge and Restaurant. As Al says "I don't put up w/it."

Al was born in Lebanon and came to the U.S. with his family when he was ten. After

spending a year mastering the English language, Al began his business career. Al began with a single paper route and soon after found himself w/a route for the Press, the Plain Dealer, and the Sun-Press.

Al's newspaper career came to an abrupt halt when his father, who ran his own restaurant in the Keith Building, became ill and Al moved to the forefront of the business. Several years later Al purchased his own restaurant on Payne Avenue and called it Saluan's.

Four years ago Al made the big move. Al sold Saluan's and purchased the Uptown Restaurant, with the Lounge soon to follow.

Al directed all of his energies into the restaurant and lounge for several years with a year and

Al directed all of his energies into the restaurant and lounge for several years until a year and a half ago when he leased the Lake Theater located in the Lake Shore Shopping Center in Euclid. When Al leased the theater, it was in considerable disrepair (the only other theater in Euclid had been condemned). It took substantial time and money to reconstruct

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## Celebreeze visits

By Ken Callahan

The hallowed halls of Cleveland-Marshall were revisited recently by one of the school's most prominent alumni, Ohio Supreme Court Chief Justice, Frank D. Celebreeze. The Honorable Judge Celebreeze made the trip from Columbus in connection with Moot Court night, which was sponsored here November 8.

Mr. Celebreeze, a 1956 graduate, had fond memories of his legal education at the school, then located on Ontario street. A four-year night student who worked days for a chemical firm, Mr. Celebreeze remembered the "special dedication" of students of that era. "Everyone at that time was particularly eager to graduate. Many were married, and those of us who were veterans were anxious to catch-up on our education," he recalls. Some were apparently more anxious than others to graduate, however: of 362 students who began, only 82 were awarded degrees.

Mr. Celebreeze went straight to the state Senate after graduation, while working in private practice downtown. In 1960, he became a Special Counsel to the Attorney General of Ohio, and was elected to the Common Pleas bench, where he sat from 1964 to 1972. In that year, he was elected an Associate Justice to the Ohio high court. Last year, at age 50, Mr. Celebreeze was chosen as Chief Justice, to fill the unexpired term of the late

E. William O'Neill. In so doing, he became the only second Democrat in the last two decades to hold that position. At the time of his inauguration, Celebreeze said that "my only goal is equal justice for all." Mr. Celebreeze faces re-election next year.

Among the more important issues decided by the present court are those of legal advertising and "cameras in the courtroom." Celebreeze is against legal billboards, and the U.S. Supreme Court left undisturbed Ohio's decision to prohibit them. On the issue of televised courtroom proceedings, the Chief Justice said that "with the exception of one unfortunate incident, the experiment has been generally positive, although some participants have been afraid of the lights."

Asked how he felt about Justice Berger's opinion on the decline of trial advocacy in the U.S., Celebreeze responded in qualified agreement. "In some ways, yes, there has been a decline. However, the modern lawyer tends to be busier than in the past, and generally spends less time in actual litigation."

Questioned on whether any of his numerous offspring will continue in the Celebreeze tradition of commitment to the public life, the Honorable Chief Justice, who is the father of nine, smiled. Frank Celebreeze III, a senior at CSU, will seek admission to these hallowed halls next September.

## The Follies — A Job Well Done

By Ken Roll

So you want to be in the "Follies?" You want to be a star? Well, you have a year to get in shape, for this year's C-M Follies has gone into hiatus. Conceptually a success, artistically a trooper in the true sense of the word, "Follies" proved it could pack a humorous punch, despite the fact that too often than not, it obtained from going for the jugular.

For a University that is characterized by fractionalism, it was heartwarming to see that comradery does exist and can be rallied around a central focal point. After all, Harvards' Hasting Pudding Award did not materialize overnight. Even if "Follies" did nothing else, it would still have my plaudits, for its mere existence.

Billed as a satirical look at law school, the eight vignettes presented a somewhat uneven farce. The skits ran the gamut, tending to hover at polar extremes. The result could have been a veritable juant on a rollercoaster, had not the peaks and troughs been cushioned by routines that aspired towards routines that aspired toward neither position.

Mindful that this was an amateur production, that rehearsals were naturally limited, and that many of the performers do not have strong theatre backgrounds, "Follies" still put on a damn good show. The humor was sharp, though I strongly feel the razor was spared far too often. It should have been sharpened just a tinge. The format, blending the pleasing sounds of Michael Dreyfuss on violin and Peter Brodhead on piano was stroked of genius. Who would have suspected from the sounds they produced, that these two musicians had formally played together as a unit. Given more time, I suspect they would easily have stolen the show. Encore! Encore!

But I have hedged far too long. If I had to critically evaluate this year's "Follies", I would sum it up as follows.

C-M's "Follies" made a

valiant attempt to bring a bit of levity into what is turning out to be a noneventful Fall Quarter. Written by Ted Barone, Ken Hurley, and Joan Pellegrin, the trio have given birth to a budding tradition that in many respects has more import than the content of this current version. Taken as a whole, "Follies" gives a capsule view of what an incoming student is likely to experience.

The Drill Instructor, the second skit, was a good example of fluid satire, the kind that grabbed your attention and drained you of all emotion. Barone, as the asp-like prof whose meticulous diction drove you up the wall, gave a sensitive portrayal to a rather delicate topic. The topic was the demoralizing of the law student. Handled with sincerity, it drove home a poignant message while exposing such base tactics to be as pompous as the fools who administer them.

I found the opening scene to be bland and vapid. Maybe if I was in the same stupor that Johnny was I'd have ferreted out the humor. Obviously sobriety proved to be an obstacle. Wild Willy was dynamite, despite the fact that I thought Chris Gaffney, as the moderator, was sorely miscast. The role severely cried for someone who could put old "leatherballs" in his place. Gaffney did not. Was it a coincidence that Willy's ludicrous positions parallel the same esteem that his portrayor harbors for the same Willy in the flesh. I think not.

First Round Draft Choice was cute, but a severe let down. Lisa Hickey and Peter Klein, appearing relaxed and layed back, saved this one from going to the dogs. Storm Troopers on even keyed lead after the intermission, proved also to be the weakest offering of the second half. Communication Gap poked intentional fun and verbal assaults about *Palsgraf* in general and Prof. Cohen in particular. Even the tie worn by Klein as he bantered about

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# Julian Bond — A Personal Look

By Ken Callahan

Among other things, Julian Bond is an eminently busy man. Beyond his controversial involvement in the Georgia Legislature since 1965. Mr. Bond is a weekly commentator on the *Today Show* and writes a weekly, nationally syndicated column for Newspaper Enterprise Association. He serves on the Board of Directors of about a dozen National Committees, has hosted *Saturday Night Live*, and starred in the movie *Greased Lightning*, all in addition to being a seemingly ubiquitous political spokesman.

Yet perhaps preeminently, Julian Bond is a remarkably personable human being. In an informal discussion at the Rusty Scupper prior to his talk, (and buoyed by the genuine affection of those who were confident that the tab was picked up by the SBA). Bond spoke on the experience of being an 'important person.' "Yes," he conceded, "it is somewhat of a 'heady' experience, but you have to keep your perspective, while twenty people may be backslapping me on arrival at the airport, after I'm done speaking and the cameras are off, the same twenty are arguing about who has to drive me back.

Although Bond claims to have "never expected" the national attention he received at the 1968 National Convention, he does admit to frequently being recognized when encountered on the street by a very uncertain "say, aren't you...," Bond quietly assures the questioner, "Yes, I'm Sammy Davis, Jr.," to which the querist presumably carries on, reinforced in his grasp of worldly affairs.

Julian Bond makes at least 100 appearances a year; during the week prior to his talk at C-M, he had visited six U.S. cities, from Atlanta to Los Angeles. By his own count, Bond has been to Cleveland "several dozen" times in the last ten

years, and has appeared on the campus of every major school in Northeastern Ohio at least once. Asked if the schedule doesn't make family life difficult, Bond conceded some strain. "You try to buy the kids' affection with toys, but it doesn't work," he said, adding that he makes up for this on holidays.

Despite his formidable speaking career, Bond still has occasional moments of stage fright. "While I can speak to 55,000 people in an outdoor stadium, it is the relatively unfilled room in a large auditorium that causes sweaty palms," he said, an experience not unlike the final days of Property class.

About his future, Bond has, refreshingly, no books planned. "A thousand words is my limit," he explained. His political ambitions go no further than re-election to the Georgia House.

Near the end of the discussion, one law student, discarding all academic pretenses, could restrain herself no further: What are, she wanted to know, John Belushi and Dan Akroyd really like? Without revealing the mode of his learning, Bond revealed to the stunned listeners that Akroyd has webbed feet. When it appears next week in *People Magazine*, remember where you heard it first.

# New Politics

By Ken Callahan

Julian Bond, perhaps the most visible advocate of the New Politics since his dramatic appearance on the national scene in 1968, spoke to a receptive audience her November 21 on the social direction of the nation. In the talk, Mr. Bond spoke articulately and urgently on what he perceives to be an increasingly acquisitive American majority.

Although heartened by the racial progress made in the U.S. in the quarter century since *Brown*, Mr. Bond insisted that the fundamental relationship between black and white remains an essentially inequitable one. Armed with a plethora of economic statistics, Bond asserted that opportunities for minorities are painfully restricted, that blacks are the last to come and the first to go, that black men, on the average continue in 1979 to make 40% less than their white counterparts. Citing the historical evolution of the Civil Rights Movement from the incipient formation of the Republic to the present, Bond traced a perceptible movement in the last decade on the part of the white majority to reverse what progress has been made. A firm advocate of desegregation, Mr. Bond claimed that in areas where busing has been practiced for a measurable



period of time, particularly in California, the results have been positive: testing scores for blacks have improved for blacks, while those for whites have remained constant.

Despite certain cosmetic adjustments, Bond felt that the critical economic goals of the Civil Rights Movement remain unfulfilled. "Black anchormen read news for stations they will never own; black women advertise products they cannot afford; black athletes perform for audiences in which they are not represented. Even today, a black college graduate will earn about as much as a white man with a high school diploma," he said.

About promoting political involvement of minorities, Bond contends that "we must change the color of politics. The way to do that is to concentrate on the little jobs. If enough Blacks are elected at a grass-roots level, it is bound to have an effect at the top."

During a question period, Mr. Bond was inevitably asked to express himself on recent events in the Persian Gulf. As

to whether the Shah should be handed over to the Ayatollah's regime, Bond remarked that the U.S. cannot turn back anyone, once they are admitted, no matter how devious they might be. "He came as a guest, he must remain as a guest, as long as he is seeking medical attention," Bond explained.

When questioned as to his feelings about President Carter's handling of the situation, Bond responded by saying that he supported everything Carter had done. As to a possible military reprisal by the U.S., or detention of Iranian students here, Bond remarked, "Military action will gain nothing, the hostages would be killed," and "We cannot do to them what they do to us, or we become them."

The hour or so during which Bond spoke passed quickly, probably due to the smooth, captivating style which he possesses. Deservedly so, the end of Bond's discussion was followed by a warm round of applause. Unfortunately for those in attendance, there was no encore.

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# IN THIS CORNER

## Contra-Bond

By Mike Varga-Sinka  
1st Year Student

Julian Bond is a handsome reactionary. His speech was not merely critical, it was in too many respects mythical, unsubstantiated, and showed signs of an incipient racism. The tone was one of Marxian infallibility. He has based his career on reminding the white population of how they have sinned against the black minority. He wants reparations. Between 1960 and 1974, the total level of expenditure on social welfare programs in the United States increased from \$50 billion to \$170 billion. There are approximately 25 million poor Americans with an income level of \$4200 or less. If just the increase of \$120 billion had been given to every family member, the individual would have received \$4800 per year. Yet the poor are still with us. Mr. Bond believes in big government.

Ideological predispositions tend to lead people toward giving explanations without evidence; they also tend to make people ignore factors that preclude and assessment of blame. Those who look for sins are quick to call broken homes and female-headed families among blacks a "legacy of slavery." In reality, however, this is relatively recent phenomenon — and one equally common among Puerto Ricans who were not enslaved. It was also common earlier in the century among the Irish, when they lived under conditions similar to those of blacks and Puerto Ricans today. The contemporary phenomenon stems from the era of the welfare state — when the government began to subsidize desertion and teenage pregnancy. High crime rates among blacks are glibly attributed to such "root causes" as racism and discrimination. This does not explain why "white racism" has not produced such an effect on West Indians and Japanese — Americans who have lower crime rates than whites. Abolish minimum wage, reduce

licensing restrictions, change labor legislation and reorganize the delivery of education and in twenty to thirty years there would be no "black problem."

Mr. Bond's time-worn cliché, Mr. Bond's time-worn clichés, "black lament," have become a crutch. Holding white Americans responsible for discrimination imposed by generations past is like holding Polish and Italian workers liable for the fate inflicted on the American Indians by the colonists or today's Frenchmen for Napoleon's invasion of Germany. Rev. Bond, a minister of the Universal Life Church, does not seem to be familiar with Deut. 24:16: "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin."

Mr. Bond's solutions are fascist in nature: income redistribution, cradle-to-grave health care, and "economic democracy." Some years back, he called it "communist socialism" or "the neighborhood has the say in who gets how much and what from whom." For those of you who like to think, this means that the regulation of production and trade is the regulation of consumption which requires complete control of money and credit. With capitalism gone, capitalist methods of dealing with labor have gone. Collective bargaining is replaced by a legal or administrative act or vagary of government. True democracy, not Mr. Bond's bastardized concept, is lost when the necessity of capitalism as the only economic safeguard of political, intellectual and spiritual freedom is emasculated.

He referred to the Nixon era as "self-righteous swinishness" by a "collection of cruel and callous castrators." (At least the ladies had nothing to worry about!) He should know about self-righteousness. He doesn't seem to know much about the Office of Minority Business and Enterprise created in 1969 in

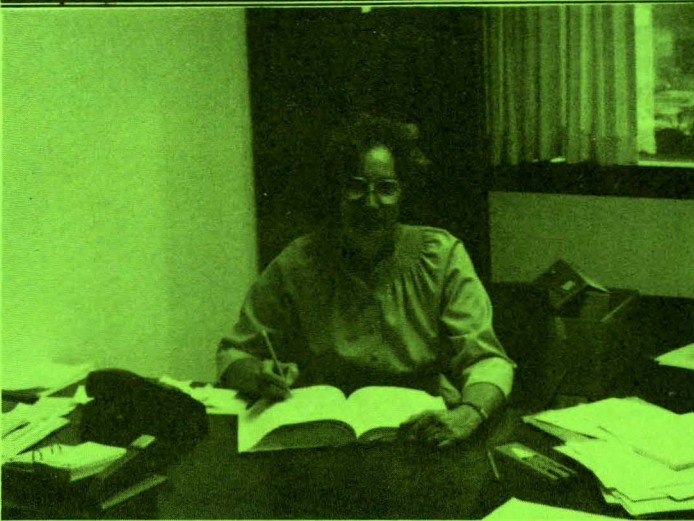
the Department of Commerce. He made a passing remark about how "black capitalism" doesn't work: the opinion of someone addicted to scientific socialism. The total of government grants, loans and guarantees by program agencies rose from \$200 million in 1969 to \$472 million in 1972. The dollar value of government set aside contracts leapt from \$8 million in 1969 to \$242 million in 1972. More than 50 minority enterprise small business investment companies were formed by 1972, with private capitalization of \$18 million, which by borrowed leverage made possible minority financial capitalization of \$254 million. The number of blackowned businesses of all types grew from 163,000 in fiscal 1968 to 195,000 in 1972, and their receipts rose from \$4.5 billion to \$7.2 billion.

I think this explains something about why Mr. Leon Sullivan, head of Opportunities Industrialization Corp. and a black director of GM at that time, said about Maurice Stans, Sec. of Commerce appointed by you-known-who: "(He) has opened doors that have been closed for 100 years." Which also says something about the previous liberal administrations and their policies.

Mr. Bond described the Supreme Court as "protectors of the privileged and the powerful" which does not explain how/why the judiciary has legalized the quota system. Over- or under-representation does not indicate bias any more than proportional representation of groups among admitted candidates indicates unbiased admission standards. Numerical goals, far from reducing irrelevant discrimination, perpetuates it or introduces it into academic institutions by placing more qualified persons at a disadvantage relative to less-qualified ones who belong to an under-represented race or sex. It simply perpetuates the inherent hostilities and, what is worse, the preferential admission complemented by; preferential grading will result in an incompetence which will reinforce the prejudice supposedly eliminated. The preferentially admitted student may never know whether he was graduated because he was

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Ann Marie Dyke, Now an Arbitrator

## C-M's First Woman Arbitrator

By Mark A. Collins

Annmarie K. Dyke, a 1968 graduate of Cleveland-Marshall, was recently certified as a labor arbitrator at ceremonies in New York City. Mrs. Dyke was one of twenty-three women who were selected from across the country to participate in a pilot program sponsored by the American Arbitrators Association, the Federal Mediation Service, and the New York State School of Industrial and Labor Relations of Cornell University.

The eighteen month program, designed to train and introduce women to the field of labor arbitration, required classroom study at Cornell University and New York City, attendance at arbitration hearings, and preparation of opinions and awards.

Mrs. Dyke, who received a nursing degree from St. Vincent's Charity Hospital and later a B.S. from St. Louis University, formed Cleveland's first all-woman law firm in 1972.

Mrs. Dyke is the wife Theodore Dyke, Professor of Law at Cleveland-Marshall. Professor Dyke, who has taught at C-M for the past fifteen years, his field of expertise being arbitration and labor law, is also a nationally recognized labor arbitrator.

## Follies

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flailing his hands was apropos. The only element missing was a little ditty that went something like, "The risk reasonably ..." How could one forget that gem.

As for Pillow Talk, provided you made it past the cutseypooh lead in song that lingered a lifetime, which I did, then you would have witnessed some of the sharpest use of double entendres. Stacy and Doug, played by Marilyn Barkley and Dennis Polke, delivered their verbal jabs with finesse, seeming to revel in delight as they turned the royal skrew through their partner's heart.

Viewed through the eyes of a critic, that is how I would boil down "Follies". But that picture would be far from complete, and would be totally lost out in left field. For the true story about "Follies" is that it gave a group of talented, delicate, and yes, frustrated students a chance to form a communal bond and to raise a little hell. Frankly, it's about time someone had the guts and made that effort. For this, "Follies" is to be commended. Special thanks to the director, Ted Barone and the writers for a job well done.

P.S. If anyone should find my criticism a bit sardonic, and desire to inflict lethal diatribes, please have the decency to do it before December 10th and thereby spare me the agony of finals.

# Ruth Bader Ginsburg

By Tom Johnson

Visitors and guest speakers have been in abundance lately at Cleveland-Marshall College of Law. Carl Sterns, Nathaniel Jones, Chief Justice Frank Celebreeze, Julian Bond, etc. all have graced our school with their presences. Another distinguished guest, — a woman, Ruth Bader Ginsburg can be added to the list.

Ginsburg received her B.A. in 1954 from Cornell University. She attended Harvard Law School from 1956 to 1958, where she served on the Law Review, and was graduated in 1959 from Columbia Law School, where she also served on the Law Review. She was awarded an LL.D. (Hon.) in 1969 from Lund University in Sweden.

From 1959-61 she clerked for the U.S. District Court for the Southern District of New York. In 1961-62 she was Research Associate in the Columbia Law School Project on International Procedure and was its Associate Director the following year. At Rutgers, Newark, from 1963-72 she taught as Assistant Professor, Associate Professor, and Professor of Law. Since then she has been a Professor of Law at Columbia.

Prof. Ginsburg is a member of the American Law Institute and serves on its Council. She has been a member of the Executive Committee and the Board of Governors of the Society of American Law Teachers through 1977, and has been its Vice-President since 1978. She served on the Board of Editors of the *ABA Journal* from 1972-78 and currently serves on the Board of Editors

of the American Bar Foundation and on the Council of the ABA Section on Individual Rights and Responsibilities.

She has been Director of the ACLU Women's Rights Project, 1972-73, General Counsel of the Union since 1973, and a member of its National Board of Directors since 1974. Prof. Ginsburg was a Fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford in 1977-78. She has also published a number of books and has argued before the United States Supreme Court.

Ginsburg's address "Judicial Authority to Repair Unconstitutional Legislation," has centered around Constitutional Law. She calls her field of interest, Gender interest, Gender Discrimination. She includes men because they are often discriminated against also. Ginsburg feels that it is more difficult to plan out litigation today than it was a few years ago.

SBA President, Jerry Walton, says Ginsburg was quiet in manner but confident in her intellect. Mary Jo Long, C-M's clinical professor, spent some time with Ginsburg. Long described her as "very quiet, shy, and obviously a tremendously effective lawyer. She (Ginsburg) is one of the most prominent people in her area." A brief talk with Long, revealed that she (Long) was substantially impressed with Ginsburg. Once again the students can salute the C-M Lecture Fund for bringing an excellent speaker to our school.

• • •





## The Moot Court

By Steve Fedor and Mike Gentile

On Thursday, November 8, Cleveland-Marshall's Moot Court Board presented a Moot Court Night Program which was attended by over 300 persons. Members of the National Moot Court Team presented an oral argument on the 7th Amendment right to a jury trial in complex litigation.

The Petitioner's team was comprised of Robert Goldstein and Phil Korey, while the Respondent's team consisted of Steven Fedor, James Hewitt, and Edward Powers.

Chief Justice Frank Celebrezze of the Ohio Supreme Court presided over the argument. Judge John Corrigan of the Ohio Court of Appeals and Judge Richard Markus of Cuyahoga County Common Pleas Court also served on the bench.

The National Team, which was advised by Ralph Tyler, then went on to compete in the Regionals of the National Moot Court Competition held November 15-17. The preliminary rounds were held in

the Justice Center while the final round took place in the U.S. District Courthouse.

Thirteen schools from Ohio and Michigan were involved in the competition, with each school sending two teams.

The eventual winner was Wayne State University with Case Western Reserve placing second.

(The overall rankings were not revealed, so it is not known at this time where the Cleveland-Marshall teams were ranked.)

The Thomas Cooley School of Law was awarded the prize for Best Petitioner's Brief, while the Detroit College of Law absconded with the plague for the Best Respondent's Brief.

The Hon. Thomas Parrino (Ohio 8th District Court of Appeals), the Hon. William Thomas (U.S. District Ct. — Northern District of Ohio) and the Hon. Paul Wieck (U.S. Sixth Circuit Ct. of Appeals) appeared to judge the final sound of arguments.

## Carl Stern

continued from page 3

Court.

Thus, it is not unreasonable to imbue his opinions of recent and forthcoming Court decisions with more than a little authoritative weight.

On July 2, 1979, the Court delivered its opinion in *Gannett Co. v. DePasquale*, 47 U.S.L.W. 4902.

The 5-4 ruling, delivered by Mr. Justice Potter Stewart, said that the Sixth Amendment guarantee of a public trial is a right granted to a criminal defendant only, which he can waive if he wishes; and that the public trial guarantee does not give members of the public any affirmative right to attend criminal proceedings.

In effect the Court granted state and federal trial judges broad authority to close pre-trial criminal proceedings any time the judge believed that there existed a "reasonable probability" that press reports

from pre-trial proceedings may prejudice a criminal defendant's ability to obtain an impartial jury.

The *Gannett* ruling has been vehemently opposed by the news media. It has also caused the individual Justices of the Court to offer out-of-Court opinions as to its true meaning.

Said Stern regarding this matter, "The opinion by Justice Stewart in *Gannett* went far beyond the issues of the case."

It is the opinion of Stern that the Court will seek to officially clarify the meaning of *Gannett* in January, 1980, when it will hear arguments in the case of *In re. Richmond, Inc.*, a murder case from Hanover, Virginia, in which reporters were barred from the court room.

Whatever the Court's eventual decision on the matter, Carl Stern will be one of the first to know it — and report it.

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what was once one of Cleveland's finest theaters. But it paid off. The city of Euclid has just received a Federal grant to reconstruct parts of the shopping center, including the Lake theater. The Lake will be divided into the largest twin theater in Cleveland, with four hundred seats in each section. For his efforts in bringing a theater back to Euclid, Al has been offered the right to purchase it on completion and he received a very favorable article from the *Cleveland Press*.

Back to the bar. The Uptown offers a variety of things to do, from pinball, bowling to live entertainment (plus a lounge area in the back where its rumorethat certain members of the SBA make their most crucial decisions).

One particularly "live" entertainer is Marsha McCabe. Marsha has caught the attention of more than one law student and when she dances on Tuesday and Wednesday nights a rousing crowd usually materializes.

There are several amazing things about this former tax clerk and Assistant Metallurgist. First and most evident is the remarkable way she maintains her body, and secondly, in light of the fact that she has two children, John, age twelve and Margaret, eleven. Marsha claims that she does not exercise, but you'd swear she had just jumped off the balance beam.

Marsha has found most law students very friendly and receptive. As a matter of fact she's been invited to just about every movie, sporting event and play in Cleveland. "One fellow," she said, "kept taking off his wedding ring everytime he came back from playing pinball."

I asked Marsha if she would consider marrying a lawyer. "Maybe, if he had a sense of humor." Really? Well, Marsha, have you heard the one about...

Even expansion minded, Al plans to open a larger lounge in the near future, which will also serve food and have a dance floor. Such an expansion will provide even more law students the opportunity for the R and R already available at Al's Uptown.

## BALSA Awards Banquet

By Tom Johnson

The sound of jazz music set the mood for the BALSA Annual Awards Banquet on Sunday, November 11, 1979. The Skip Gibson Band was loud but good. The atrium of the law school was transformed into a fashionable dining room. Guests gathered round the bar anxiously awaiting the arrival of the guest speaker, Nathaniel Jones. The media was on hand and even the dean made a guest appearance. Unfortunately, few professors and staff were in attendance.

BALSA (Black American Law Student Association) had planned a first rate affair. It was one that any professional would be proud to attend. The purpose of BALSA was laid out by president Gregory F. Clifford, "to promote and assist in the attainment of the academic needs and goals of Black American Law Students; to articulate and promote the professional needs of BALSA; to foster and encourage professional competency; to focus upon the relationship of the Black Attorney to the American legal structure; to instill in the Black Attorney and Law Student a greater awareness of and commitment to the needs of the Black Community; to influence American law schools, legal fraternities and associations to use their expertise and prestige to bring about change within the legal system in order to make it responsive to the needs of the Black Community; and to do any and all things

necessary and lawful for the accomplishment of these purposes within such limits as are provided by law."

The annual awards banquet was created to honor recent grads for their accomplishments and students who have demonstrated outstanding Scholarship. BALSA is open to any law student — black or otherwise. If interested in membership, one might want to attend the monthly meeting which is held every second Saturday of each month.

Judge Brown of the Common Pleas Court said a blessing before dinner. After a hearty meal, the crowd gathered in the Moot Court Room for Judge Nathaniel Jones' address. Jones, 53, practiced law for many years before being appointed to the U.S. Court of Appeals (6th Circuit). Jones was general counsel of the N.A.A.C.P. and is strong civil rights leader. He was in private practice in Youngstown, before joining the N.A.A.C.P. in 1969. From 1962 to 1967, he was assistant U.S. attorney. His involvements with civil rights organizations are too numerous to list.

Jones' address was directed to the recent graduates. He stressed the point that a good attorney must always be prepared. In his mind, there are no short cuts. He shared his life experiences with the group — what it was like to be a black attorney sixteen years ago. Jones feels that all lawyers should seek lots of experience. Expose yourself to every legal

situation and do the best job possible.

After the address the crowd was invited back to the atrium for dancing. Unfortunately, I was too exhausted. All in all, it was an impressive event. There was a tremendous student turnout, with a lot of effort on the part of the program committee. My only question is, why didn't more of our faculty attend?

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black or because he deserved to. If he does know, others may not.

Two wrongs do not make a right. Two lies do not make a truth. You don't help the poor by punishing the middle class. The idea of blacks having made economic advancement is held in scorn by Mr. Bond and others like him. The best explanation for this can be found in an essay (from which I obtained some of the above information), *Myths About Minorities*, by Thomas Sowell, Professor of Economics at UCLA and who, as Rosalynn would proudly put it, "happens to be black." It is in the August 1979 issue of *Commentary*, published by the American Jewish Committee, (hardly the beneficiary of quotas): "The hostile reception accorded to any good news about black progress suggests a large vested interest in social pathology — as a source of accusations and demands on society, and as a reason for giving money, power and patronage to accusers and denouncers."



# Walton Gets Budget

By A. Scott Lee

Jerry Walton, showed why he is Cleveland Marshall's class valedictorian when it comes to politics as he maneuvered the Student Bar Association to quickly rubber-stamp the proposed 1979-80 student budget before any opposition would be gathered.

The budget meeting had, in years past, always been a "rock-em sock-em" affair with the SBA battling to decide how to divide among the several groups the money received from the University for student activities.

This year the groups included the SBA, the Black American Law Student Association (BALSA), Women's Caucus (WC), National Lawyer's Guild (NLG) and American Bar Associate-Law Student Division (LSD).

The available funds which were to be divided totalled up to \$21,700. All groups were told to present a worksheet listing their requests for the 1979-1980 school year.

When the groups handed in their requests to the SBA, all of them — not surprisingly — asked for gigantic increases in their budget. The NLG led the pack as they asked for an increase of over two and one half times what they had been budgeted for last year.

The various requests of the groups added up to a budget of \$28,763. Obviously some groups were going to have to receive a little less than requested.

A seven person budget committee was formed from the SBA and appointed by Jerry Walton to try to reach a unified budget and present their recommendations to the entire SBA. Only three committee members showed up at the committee meeting; however, those three committee members listened to what the representations of the various groups

had to say to defend their requests for money allotments. The committee then presented their findings to the entire SBA.

The committee recommended that all the organizations with the exception of the SBA itself receive minimal increases from six to nine percent. However, the committee proposed that the SBA receive a whopping 19% increase in its budget.

Naturally, this pleased Mr. Walton.

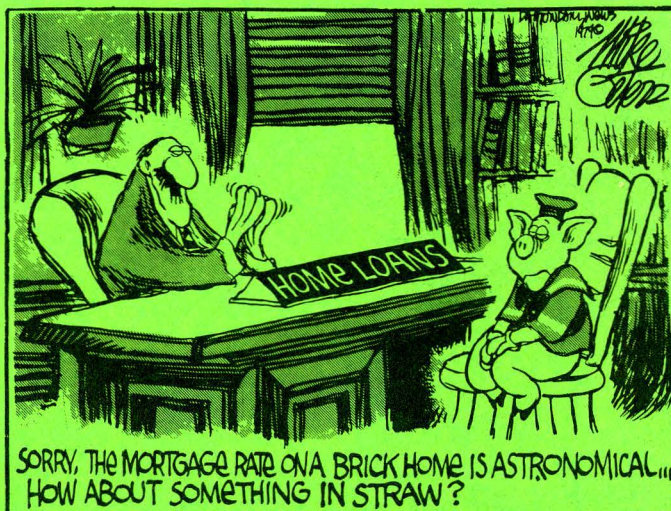
The budget meeting was on Sunday, November 3, at 3 p.m. There were problems of attendance as the SBA couldn't gather a quorum of the senators to conduct a vote. Finally after the Browns defeated the Eagles on television, enough Senators drifted in to create a quorum.

President Walton gave an impassioned speech on how he tried to get more money for the groups, but had failed, and that all the groups would have to make do with limited increases.

Women's Caucus representative and Student Senator Alexandria Ruden attempted initially to mount some opposition to the proposed compromise budget but President Walton finessed through any possible opposition by stating that he wanted to go through the entire compromise budget completely before the Senate talked specifically about each item.

After President Walton went through the entire budget, and before the SBA got to debate each item budgeted (which might have taken forever), a motion to close discussion was put to the floor and it passed. The compromise budget was passed by nearly the same vote majority as the vote to end discussion.

Thus concluded another chapter in the continuing saga of "The SBA and the Budget Day Blues".



## Questions — Who Knows The Answers?

By Bruce Adams

To the casual observer some things never seem to make sense. Both earthshaking and banal questions seem to surface regarding all sorts of topics.

Things are no different in law school. We have our peculiarities, some of which are deeply embedded in the system, crying out for answers:

Why is there no place to park if you arrive after 9 a.m.?

Why aren't there any bathrooms in the law library?

Why does the library staff inform you of the above fact with a sadistic smile while you frantically look for the library bathroom?

Why is the staircase in the law library so narrow?

Do narrow staircases discriminate against fat people?

How did the professors develop such powerful intellects?

Why do most graduate students carry briefcases, while all undergraduates tote knapsacks?

Why do so many law students look like they are 25 years old going on 40?

Do students and professors who attend both day and evening classes have a cot and refrigerator hidden somewhere in the law building?

When professors briefly mention the *Miranda* warning, why does some nurd always have to recite it Dragnet-style?

Why aren't students here beamed by frisbees while walking the college grounds?

Why can't an urban university have at least a partially pastoral campus?

Why does Cleveland get such a bad reputation when it has an excellent public transportation system, orchestra, museums and libraries?

Why are the arts held in such low esteem when evaluating the livability of a city?

Does the Paper Chasae syndrome exist at Cleveland Marshall?

Why is the television in the lounge on even when nobody is watching it?

Why are there never enough chairs in the student lounge at noon?

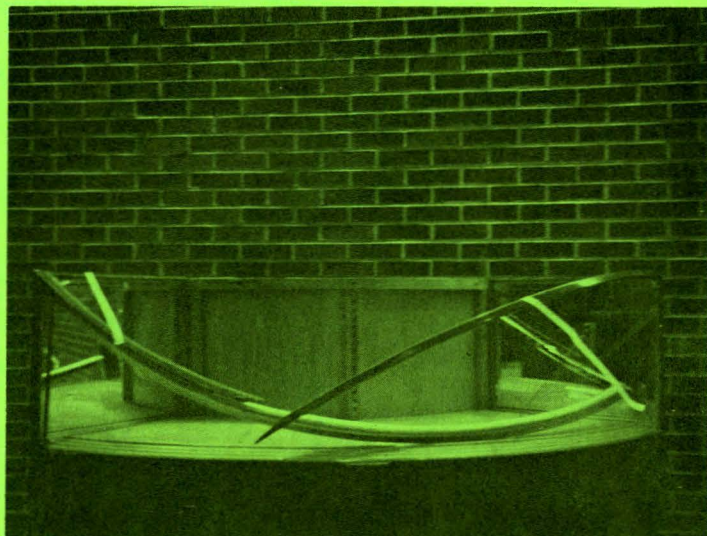
If the temperature in the law building is 65 degrees, why does it feel like 45 degrees?

Why do students reciting in class say "for the simple reason that" when they could say "because."

Why are few things, except this column, so simple?



# BRIEFLY



Michael Gallagher Memorial Trophy Case.  
(see related "Briefly")

## Trophy Case Destroyed

At the last Happy Hour perched atop the Moot Court Trophy Case, 2nd year student Mike Gallagher was having a good ole time. Unfortunately, the glass top broke, and Gallagher went crashing through. Although the trophy case was a wreck, and several trophies damaged, Mr. Gallagher fortunately escaped the incident without injury.

## Summer Job

LSCRRRC-Law Students Civil Rights Research Council is offering grants for law students to work in Public Interest and/or Civil Rights Law. There are three options available. You can go into a program that LSCRRRC have available; you can design your own program; or you can apply and have LSCRRRC place you. This is a 10 wk. summer internship. It pays \$1250 for the 10 wks. Deadline for applications is January 28, 1980. For further information see Mary Jo Long in the Clinic or Nancy King.

## Library Refund System

The law library will initiate a refund system beginning November 12, 1979. Refunds will be available on the following schedule at the Public Services Desk.

Monday — Thursday: 5:00 P.M. — 7:00 P.M.

Saturday & Sunday: 2:00 P.M. — 4:00 P.M.

Persons seeking refunds must follow this procedure:

- (1) Report the loss at the time of the machine malfunction to the Public Services Desk.
- (2) Obtain a refund voucher from the Public Services Desk at that time.
- (3) Return the voucher to the Public Services Desk for a refund during the posted refund times.
- (4) Vouchers will expire at the end of the academic quarter. No refund voucher will be valid except during the academic quarter issued.

## Diplomas Take New Look

By Leonard Gluck

June '80 C-M graduates will be the recipients of a newly designed diploma. Last spring, the SBA and other students groups signed a petition recommending the new design which was then adopted by the CSU Graduate Office.

The main reason cited for the change was that the older smaller diplomas didn't fit any standard size frame. The new standard size 9 x 12 diploma will eliminate the framing problem.

In addition to the larger size the new diploma includes different wording and script and a more elaborate seal than its predecessor.

Although the style has changed, the price remains the same. The Graduation Fee which covers the cost of processing graduation applications and the diplomas is still \$20.

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